

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>SUSAN BARKER, et al.,</p> <p style="text-align:center">vs.</p> <p>SAMUEL P. BAIRD, et al.,</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Plaintiffs,</p> <p>Defendants.</p>
	<p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>8:10CV326</p> <p>ORDER</p>

This matter is before the court upon the plaintiffs' June 20, 2012, Motion to Compel Defendants to Produce a Copy of their SEC Testimony (Motion) ([Filing No. 139](#)). The plaintiffs filed an index of evidence ([Filing No. 140](#)) in support of the Motion. The defendants, James A. Laphen, Gilbert G. Lundstrom, Eugene B. Witkowicz, Sherry Furnas (as Personal Representative of the Gale Furnas Estate), Paula Luther, Roger Ludemann, and Larry Pfeil ("Objecting Defendants") filed a brief ([Filing No. 142](#)) and an index of evidence ([Filing No. 143](#)) in opposition to the Motion. The defendants Samuel P. Baird, Charles W. Hoskins, James McClurg, Campbell R. McConnell, James Strand filed a response (Response) ([Filing No. 144](#)). The defendant Ann Lindley Spence also filed a response (Spence Response) ([Filing No. 145](#)).

The defendants assert Messrs. Baird, Hoskins, and McConnell have agreed to produce their SEC transcripts. **See** [Filing No. 144](#) - Response p. 2. Additionally, the defendants represent the SEC has not deposed Ms. Spence and Messrs. McClurg and Strand and therefore do not possess transcripts to produce. **See** *Id.*, [Filing No. 145](#) - Spence Response p. 2. Accordingly,

IT IS ORDERED:

1. The plaintiffs' Motion to Compel Defendants to Produce a Copy of their SEC Testimony ([Filing No. 139](#)) is denied as moot as to defendants Samuel P. Baird, Charles W. Hoskins, James McClurg, Campbell R. McConnell, Ann Lindley Spence, and James Strand.

2. The plaintiffs' Motion to Compel Defendants to Produce a Copy of their SEC Testimony with regard to the Objecting Defendants will be ruled upon following plaintiffs' reply time.

DATED this 9th day of July, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge